



Application granted. A pre-motion conference will be held on November 22, 2021 at 12:00 p.m. The conference currently scheduled for February 8, 2022 at 11:00 a.m. is adjourned *sine die*. Moreover, in light of the representations made in this letter regarding discovery, the parties are not required to file a proposed Civil Case Discovery Plan and Scheduling Order prior to the November 22, 2021 conference.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 14.

SO ORDERED.

Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
November 12, 2021

Via ECF

Hon. Philip M. Halpern  
United States District Court  
United States District Judge  
300 Quarropas Street  
White Plains, New York

**Re: *Smidovich, et. al., v. Quintana, et. al.*, No 21 Civ. 3658 (PMH)**

Dear Judge Halpern:

This Office represents the government in the above referenced action in which plaintiffs challenge the denial of plaintiff Nikita Smidovich's Application to Register Permanent Residence or Adjust Status (I-485), and request that the Court vacate the denial and remand to U.S. Citizenship and Immigration Services ("USCIS") with instructions to approve Smidovich's I-485, along with the derivative application of his wife, plaintiff Tatyana Kapyshina. This action is scheduled for two conferences – an initial case management and scheduling conference on November 22, 2021 and a pre-motion conference on the government's intended motion for a judgment on the pleadings, or in the alternative for summary judgment, on February 8, 2022. *See* ECF Nos. 10, 13.

I write respectfully, with plaintiffs' consent, to request that the Court adjourn the initial conference, currently scheduled for November 22, 2021, *sine die*. The adjournment is requested because the parties anticipate entering into briefing as addressed in the pre-motion conference letters. *See* ECF Nos. 11, 12. The parties also respectfully request that they be relieved of the obligation to file the Civil Case Discovery Plan and Scheduling Order on November 15, 2021 as the parties anticipate that this case will be resolved without discovery, either as matter of law or on the basis of an administrative record.

Alternatively, if the Court is so inclined, the parties request that the Court move forward with the pre-motion conference on November 22, 2021 at 12:00 p.m., and cancel the pre-motion conference that is currently scheduled for February 8, 2021.

I thank the Court for its consideration of this request.

Respectfully submitted,

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cc: Counsel of Record (via ECF)